

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Eileen Hamilton,)	
)	Civil Action No.: 3:23-cv-01255-CMC
Plaintiff,)	
)	
vs.)	COMPLAINT
)	(Jury Trial Requested)
United States of America,)	
)	
)	
Defendant.)	
)	

Plaintiff brings this action against Defendant pursuant to the Federal Torts Claim Act, 28 USC §1346(b) (jurisdiction); 28 USC §2679(b)(1) (exclusive remedy), and alleges as follows:

1. The Plaintiff, Eileen Hamilton, is a resident and citizen of Columbia, South Carolina.
2. At all times mentioned herein, the United States of America, by and through its agency, United States Postal Service, owned and operated the postal truck driven by Karen H. Tuttle.
3. On or about October 24, 2021, Karen H. Tuttle was an employee of the United States Postal Service, operating a postal service motor vehicle within the course and scope of her employment.
4. At approximately 12:15 pm, Ms. Tuttle was operating her vehicle going south on US-1 in Columbia, South Carolina when she made a right turn onto Lionsgate Road and proceeded into an exit only lane.

5. At the time and place described above, Ms. Hamilton was a pedestrian legally walking in the parking lot in her apartment complex on Lionsgate Road in Columbia, South Carolina.

6. As a result of the incident, Ms. Hamilton suffered injuries to her neck and back as well as road rash and bruising.

7. As a result of the impact, Ms. Hamilton incurred medical, hospital, and doctors' bills and will suffer such damages in the future. Further, Ms. Hamilton has experienced and will in the future experience physical pain, suffering, mental anguish, emotional distress, and impairment of health and bodily efficiency, and loss of enjoyment of life. Ms. Hamilton has lost wages as a result of the impact and will continue to lose wages in the future.

8. Defendant United States of America, through the actions of its agency's employee, Tuttle, was negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above mentioned in the following particulars:

- a. In failing to maintain the proper look out;
- b. In failing to maintain proper control of her vehicle;
- c. In failing to yield the right of way;
- d. In failing to turn onto the correct lane;
- e. In failing to apply her brakes or to maintain the same;
- f. In failing to take evasive action to avoid the accident;
- g. In failing to exercise degree of care which a reasonable prudent person would have exercised under the same circumstances;
- h. In driving too fast for conditions;
- i. In colliding with the Plaintiff.

9. All of the above actions combined and concurred as a direct and proximate cause of the injuries and damages suffered by the Plaintiff herein.

WHEREFORE, the Plaintiffs pray for judgement against Defendant in a sum sufficient to adequately compensate her for her actual damages, for the cost of this action, and for such other and further relief as this court may deem just and proper.

KASSEL MCVEY, ATTORNEYS AT LAW, LLC

s/Jamie R. Rutkoski

Jamie R. Rutkoski (Fed Bar No. 12880)

Jrutkoski@kassellaw.com

John D. Kassel (Federal ID 2278)

Jkassel@kassellaw.com

Theile B. McVey (Federal ID 7614)

Tmcvey@kassellaw.com

KASSEL McVEY ATTORNEYS AT LAW

1330 Laurel Street

Post Office Box 1476

Columbia, South Carolina 29202

803-256-4242

803-256-1952 (fax)

Attorneys for Plaintiff

March 30, 2023

Columbia, South Carolina